



General Assembly

January Session, 2007

Substitute Bill No. 7270

* _____HB07270PS_____030707_____*

AN ACT CONCERNING THE EMERGENCY 9-1-1 SURCHARGE AND MISUSE OF THE E 9-1-1 SYSTEM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2007*) As used in sections 1 to 3,
2 inclusive, of this act:

3 (1) "Active prepaid wireless telephone service" means a prepaid
4 wireless telephone service that has been used by the subscriber not
5 earlier than the prior month to complete a telephone call for which the
6 subscriber's card or balance has been decreased.

7 (2) "Prepaid wireless telephone service" means a wireless telephone
8 service that is activated in advance by payment for a finite dollar
9 amount of service or for a finite set of minutes that terminate either
10 upon use by a subscriber and delivery by the wireless provider of an
11 agreed upon amount of service corresponding to the total dollar
12 amount paid in advance or within a certain period of time following
13 the initial purchase or activation, unless additional payments are
14 made.

15 (3) "Mobile telephone number" or "MTN" means the telephone
16 number assigned to a wireless telephone at the time of activation.

17 (4) "Voice over Internet protocol telephone service" or "VOIP" means

18 a service provided by companies that allows subscribers to place local
19 and long distance telephone calls over the Internet.

20 (5) "Voice over Internet protocol telephone service provider" or
21 "VOIP telephone service provider" means a company that provides
22 local and long distance VOIP telephone service.

23 Sec. 2. (NEW) (*Effective July 1, 2007*) Each active prepaid wireless
24 telephone service provider shall assess a fee against each subscriber to
25 fund the enhanced emergency 9-1-1 program in accordance with
26 section 16-256g of the general statutes, as amended by this act. Such fee
27 shall be remitted based upon each prepaid wireless telephone
28 associated with this state, for each prepaid wireless telephone service
29 subscriber that has a positive balance of minutes as of the last day of
30 each month and shall be collected from the subscriber in any manner
31 consistent with the wireless telephone provider's existing operating or
32 technological abilities, such as subscriber address, location associated
33 with the MTN or other reasonable allocation method based upon
34 comparable relevant data. The fee or an equivalent number of minutes
35 may be deducted from the subscriber's account if direct billing is not
36 practicable. Collection of the fee by reduction of value or minutes from
37 the prepaid subscriber's account does not constitute a reduction in the
38 sales prices for purposes of the taxes that are collected at the point of
39 sale. The fee shall be remitted to the office of the State Treasurer for
40 deposit in the Enhanced 9-1-1 Telecommunications Fund, established
41 pursuant to section 28-30a of the general statutes.

42 Sec. 3. (NEW) (*Effective July 1, 2007*) Each VOIP telephone service
43 provider shall assess a monthly fee against each subscriber to fund the
44 enhanced emergency 9-1-1 program in accordance with section 16-256g
45 of the general statutes, as amended by this act, and each such provider
46 shall comply with all of the requirements of chapter 518a of the general
47 statutes regarding the provision of enhanced 9-1-1 services in the state
48 of Connecticut. Such fee shall be collected from the subscriber in any
49 manner consistent with the voice over Internet protocol provider's
50 existing operating or technological abilities. All access line assessments

51 collected each month by telephone or telecommunications companies
52 providing local telephone service and providers of commercial mobile
53 radio service shall be remitted to the office of the State Treasurer for
54 deposit into the Enhanced 9-1-1 Telecommunications Fund established
55 pursuant to section 28-30a of the general statutes, not later than the
56 fifteenth day of each month.

57 Sec. 4. Section 16-256g of the general statutes is repealed and the
58 following is substituted in lieu thereof (*Effective October 1, 2007*):

59 (a) By June first of each year, the Department of Public Utility
60 Control shall conduct a proceeding to determine the amount of the
61 monthly fee to be assessed against each subscriber of: [local] (1) Local
62 telephone service, [and each subscriber of] (2) commercial mobile radio
63 service, as defined in 47 CFR Section 20.3, (3) voice over Internet
64 protocol telephone service, as defined in section 1 of this act, and (4)
65 prepaid wireless telephone service, as defined in section 1 of this act, to
66 fund the development and administration of the enhanced emergency
67 9-1-1 program. The department shall base such fee on the findings of
68 the Commissioner of Public Safety, pursuant to subsection (c) of
69 section 28-24, taking into consideration any existing moneys available
70 in the Enhanced 9-1-1 Telecommunications Fund. The department
71 shall consider the progressive wire line inclusion schedule contained in
72 the final report of the task force to study enhanced 9-1-1
73 telecommunications services established by public act 95-318*. The
74 department shall not approve any fee greater than fifty cents per
75 month per access line nor shall it approve any fee that does not include
76 the progressive wire line inclusion schedule.

77 (b) Each telephone or telecommunications company providing local
78 telephone service, [and] each provider of commercial mobile radio
79 service, each provider of prepaid wireless telephone service and each
80 provider of voice over Internet protocol telephone service shall assess
81 against each subscriber, the fee established by the department
82 pursuant to subsection (a) of this section, which shall be deposited in
83 the Enhanced 9-1-1 Telecommunications Fund.

84 Sec. 5. Section 28-28a of the general statutes is repealed and the
85 following is substituted in lieu thereof (*Effective July 1, 2007*):

86 A telephone company or voice over Internet protocol telephone
87 service provider, as defined in section 1 of this act, shall forward to any
88 public safety answering point or other answering point equipped for
89 enhanced 9-1-1 service the telephone number and street address of any
90 telephone used to place a 9-1-1 call. Subscriber information provided
91 in accordance with this section shall be used only for the purpose of
92 responding to emergency calls or for the investigation of false or
93 intentionally misleading reports of incidents requiring emergency
94 service. No telephone company or its agents and no voice over Internet
95 protocol telephone service provider or its agents [of a telephone
96 company] shall be liable to any person who uses the enhanced 9-1-1
97 service established under sections 28-25, 28-25a, 28-25b, 28-26, 28-27,
98 28-27a, and 28-28, this section and sections 28-28b, 28-29, 28-29a and
99 28-29b for release of the information specified in this section or for any
100 failure of equipment or procedure in connection with enhanced 9-1-1
101 service.

102 Sec. 6. (NEW) (*Effective October 1, 2007*) (a) A person is guilty of the
103 offense of misuse of the emergency 9-1-1 system who dials or
104 otherwise causes E 9-1-1 to be called for the purpose of making a false
105 alarm or complaint or who purposely reports false information which
106 could result in the dispatch of emergency services.

107 (b) Misuse of the emergency 9-1-1 system is a class B misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	New section
Sec. 2	<i>July 1, 2007</i>	New section
Sec. 3	<i>July 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	16-256g
Sec. 5	<i>July 1, 2007</i>	28-28a
Sec. 6	<i>October 1, 2007</i>	New section

Statement of Legislative Commissioners:

Sections 1, 2 and 3 were rewritten to move language within each section for clarity and accuracy and to change "customer" to "subscriber" throughout the sections for clarity and consistency.

PS *Joint Favorable Subst.*